

REMARKS

Claims 36, 37 and 54-72 are pending in this application, with claim 36 being an independent claim. By this amendment, claims 36, 59-62 and 64-70 have been amended. Support for the claim amendments can be found, for example, in the specification on page 5, lines 12-19; page 6, lines 19-24; page 7, lines 33-34; page 8, lines 6-7; page 20, lines 25-30; page 21, lines 1-26; and page 25, lines 8-13.

In addition, Applicant has amended the title as requested by the Examiner.

No new matter has been added.

Interview with the Examiner

Applicant thanks Examiners Smith and Marshall for conducting an interview with Applicant's representative on July 26, 2004. During the interview, the rejection of the claims as well as possible claim amendments were discussed. In particular, the rejections under 35 USC §101, 35 USC §112, second paragraph and 35 USC §102 were discussed. Although no agreement was reached, the Applicant thanks the Examiners for indicating that adding a physical limitation to and excluding nucleic acids from the claims as well as replacing "complete building block" with "monosaccharide or disaccharide" would overcome the rejections listed above.

Objections to the Specification

The Examiner has objected to the title as not being descriptive of the invention to which the claims are directed. Although, Applicant maintains that the title prior to this amendment was descriptive of the claimed invention, Applicant has amended the title in order to expedite the prosecution of this application.

Rejections Under 35 USC §101

The Examiner has rejected claims 36, 37 and 54-72 under 35 USC §101 for being directed to non-statutory subject matter. The Examiner argues that the claims are directed to a method that merely manipulates numbers, abstract concepts or ideas, or signals representing any of the foregoing.

Although Applicant traverses the rejection for the reasons given in response to the prior Office Action, Applicant has amended claim 36 to require the step whereby a user provides information regarding the query sequence to an input device. This amendment provides a physical limitation, which the Examiners, in the interview of July 26, 2004, indicated would overcome the rejection of the claims.

Accordingly, Applicant respectfully requests that the rejection of claims 36, 37 and 54-72 under 35 USC §101 be withdrawn.

Rejections Under 35 USC §112

The Examiner has rejected claims 63, 65-68 and 70 under 35 USC §112, first paragraph as failing to comply with the written description requirement. The Examiner indicated that support is not seen in the specification for certain claim terms recited in the rejected claims.

Applicant respectfully traverses the rejection as support is provided in the specification for the terms in question. Examples of the locations where literal support for the terms can be found in the instant specification are as follows: “exact chemical structure”, page 25, line 3; “molecular weight”, page 8, lines 19-20; “nature”, page 8, line 17; and “heparin-like glycosaminoglycans”, page 12, line 25. Because there is literal support for these terms in the specification, Applicant maintains that the terms do not constitute new matter as suggested by the Examiner.

Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claims 63, 65-68 and 70 under 35 USC §112, first paragraph.

Rejections Under 35 USC §112

The Examiner has rejected claims 36, 37 and 54-72 under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The rejection of the claims is based on the recitation of “complete building block”, which Examiner argues is vague and indefinite.

Although the Applicant disagrees for the reasons given in the response to the previous Office Action, Applicant has amended claim 36 to replace the term in question with “monosaccharide or disaccharide”. Applicant maintains that “monosaccharide or disaccharide”

is equivalent to using “complete building block” when referring to polysaccharides, and therefore, the claim amendment is not a narrowing one.

Accordingly, Applicant respectfully requests that the rejection of claims 36, 37 and 54-72 under 35 USC §112, second paragraph be withdrawn.

Rejections Under 35 USC §102

The Examiner has rejected claims 36, 37, 54, 55, 57, 61, 62 and 69 under 35 USC §102(b) as being anticipated by Claverie et al. The Examiner continues to argue that Claverie et al., although directed to DNA, teaches the Applicant’s claimed methods as DNA can be reasonably interpreted to be a polysaccharide.

Applicant continues to traverse the rejection. Nucleic acids are treated separately from polysaccharides in the relevant art and are also treated separately in the instant specification. Applicant maintains, therefore, that it is clear that the claimed methods do not encompass nucleic acids. However, in order to expedite the prosecution of this application, Applicant has introduced a limitation to claim 36 so that it is clear nucleic acids are not encompassed by the scope of the claims.

Accordingly, the rejection of claims 36, 37, 54, 55, 57, 61, 62 and 69 under 35 USC §102(b) is respectfully requested to be withdrawn.

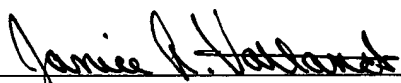
CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's representative at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Venkataraman et al., Applicant

By: _____


Janice A. Watland, Reg. No. 52,318
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

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